

# Administrative Rules Review Committee -- Jurisdiction

(OLRGC -- 5/12/10)

## 63G-3-102 Definitions . . .

(2) "**Agency**" means each **state board, authority, commission, institution, department, division, officer, or other state government entity other than** the Legislature, its committees, **the political subdivisions of the state**, or the courts, which is authorized or required by law to make rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or perform other similar actions or duties delegated by law . . .

(16) (a) "**Rule**" means **an agency's written statement** that:

- (i) is explicitly or implicitly required by state or federal statute or other applicable law;
- (ii) implements or interprets a state or federal legal mandate; and
- (iii) applies to a class of persons or another agency.

(b) "Rule" includes the amendment or repeal of an existing rule.

(c) "Rule" does not mean:

- (i) orders;
- (ii) an agency's written statement that applies only to internal management and that does not restrict the legal rights of a public class of persons or another agency;
- (iii) the governor's executive orders or proclamations;
- (iv) opinions issued by the attorney general's office;
- (v) declaratory rulings issued by the agency according to Section 63G-4-503 except as required by Section 63G-3-201;
- (vi) rulings by an agency in adjudicative proceedings, except as required by Subsection 63G-3-201(6); or
- (vii) an agency written statement that is in violation of any state or federal law.

## 63G-3-501

(1) (a) There is created an Administrative Rules Review Committee . . .

(2) Each agency rule as defined in Section 63G-3-102 shall be submitted to the committee at the same time public notice is given under Section 63G-3-301.

(3) (a) The committee shall exercise continuous oversight of the process of rulemaking.

(b) **The committee shall examine rules submitted by each agency** to determine:

- (i) whether or not they are authorized by statute;
- (ii) whether or not they comply with legislative intent;
- (iii) their impact on the economy and the government operations of the state and local political subdivisions; and
- (iv) their impact on affected persons.